

The Salt Lake Tribune.

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Joseph Patrick Tumulty, who will be secretary to the president when Wilson takes office.



FIRST PLUM FALLS INTO TUMULTY'S LAP

President-elect Announces His Appointment of New Jersey Man for Secretary.

By International News Service.
TRENTON, N. J., Feb. 3.—Joseph Patrick Tumulty, to whom Governor Wilson refers as his alter ego, is to be secretary to President Wilson. This is the first member of the president-elect's official family to be announced. It was not unexpected. Governor Wilson had indicated his preference for Tumulty on many occasions, and recently it was accepted as a foregone conclusion that the blonde Irishman from Jersey City would get the job. Tumulty's selection was the first act of Governor Wilson today. He called the correspondents into his private office, asked if all the newspapers were represented, and then said:

"Joseph Patrick Tumulty of Hudson county will be my secretary at Washington. You may say for me that I expressed the greatest gratification at his willingness to assume the duties of that office."

Mr. Tumulty, who has been secretary to Governor Wilson for two years, was the recipient of congratulations throughout the day. The members of the New Jersey legislature, who came to attend the night session, waited on Tumulty in a body and expressed their satisfaction. Singularly, Robert Adamson, secretary to Mayor Gaynor of New York, who has been an avowed candidate for the secretaryship to the president, with the backing, it is said, of William F. McCombs, was in the governor's outer office when the announcement of Tumulty's selection was made. Adamson was quick to congratulate the lucky candidate.

Tumulty will continue to perform the duties of secretary to the governor. He has been doing so without compensation ever since November 1, when he resigned the secretaryship to accept an appointment by Governor Wilson as clerk of the supreme court at \$5000 a year.

Dudley Field Malone, son-in-law of Senator O'Gorman, who also had been mentioned for the secretaryship, will probably get another appointment. The president-elect is very fond of Malone.

ALLEGED STRIKE OF PICTURE ORE

Great Excitement Report in the Mining Camp of Rochester, Nev.; Options Being Taken.

Special to The Tribune.
RENO, Nev., Feb. 3.—Late this afternoon picture ore running to values of \$500 was struck on lease No. 1, in Nenzel mountain, and tonight the new mining camp of Rochester is wild with excitement. Fabulous prices are being offered for claims and locations. The discovery was made in a forty-foot tunnel at a depth of sixty feet, and half the face of the tunnel is in picture ore. It runs 200 ounces of silver and 400 gold. The permanency of the camp is assured and all leasers are now running three shifts a day. The Codd lease adjoining the discovery is within fifteen feet of the vein. At a depth of 100 feet the ore is being asked and guarded.

Options are being taken right and left on all available property. Rochester tonight is wild with joy and already a stampede is setting in to the camp. Large crowds are at the mouth of the tunnel watching operations while the streets of the two towns are scenes of activity and excitement. Prospectors and miners are leaving Reno tonight in numbers for Rochester.

BIGAMIST SENTENCED

WINNIPEG, Manitoba, Feb. 3.—Sam Griggs, well known in Canada as an evangelist, pleaded guilty today to a charge of bigamy and was sentenced to one year in prison. Griggs married a young widow here while he had a wife living at London, Ontario.

DIRECT TAXES UPON INCOMES NOW POSSIBLE

Delaware, Wyoming and New Mexico Ratify the Sixteenth Amendment to the Constitution.

LAW WILL BE PASSED AT EXTRA SESSION

Incomes Below \$4000 or \$5000 Will Probably Be Exempt; Cordell of Tennessee to Draft Bill.

WASHINGTON, Feb. 3.—Direct taxes upon the incomes of citizens of the United States, whether derived from idle capital or from the conduct of business, were made possible today by the ratification of the sixteenth amendment to the federal constitution. Delaware, Wyoming and New Mexico, endorsing the income amendment through their respective legislatures, completed a list of thirty-eight states that have approved it, two more than the three-fourths necessary for its final adoption.

Leaders in congress predicted tonight that through this authorization the law which will be passed to levy the tax upon American incomes will be introduced as soon as the extra session opens. Its exact terms have not been decided upon, but it is believed it will exempt all incomes below \$4000 or \$5000, and will provide a tax of 1 percent on the majority of personal incomes that do not run to an excessive figure.

Cordell to Draw Bill

Informal notice of the final adoption of the new amendment was given to the senate by Senator Brown of Nebraska, who introduced the resolution in 1909 upon which the proposal for an income tax was submitted to the states. The drafting of the bill to put the tax into effect, it is expected, will fall to the lot of Representative Cordell of Tennessee, a member of the house ways and means committee, who drew the excise tax bill proposed last year by the Democratic house of representatives, but which did not become law.

The income tax will be designed to supplant the present corporation tax, and will apply to the incomes of individuals, firms and corporations. In a statement tonight Representative Hull declared he favored making the new tax an integral part of the financial system of the United States to remain in full force without regard to the character of tariff bills that congress may enact from time to time.

Collection Plan

One feature which it is believed will be included in the law will be a provision for "collecting at the source" of the income. This feature, now in operation in England, would require firms to certify amounts to pay individuals in salaries and fees and pay the tax direct to the government. It is believed that this would remove much complaint that might be raised if the government had to investigate individual citizens and would prevent evasion of the law.

"One of the important results of an income tax," said Representative Hull, will be the curbing of unnecessary federal expenditures. When a great part of the government's income is derived by a direct tax upon the citizens of the nation, they will scrutinize more carefully the applications made by congress."

Wilson May Announce

Probably it will remain for President-elect Woodrow Wilson to make official announcement of the income tax amendment to the constitution. Up to date the state department has received notices of approval by the legislatures of only thirty-four states, West Virginia, Delaware, Wyoming and New Mexico not having reported on their action. The department cannot act upon anything less than the official certificate of the governors and secretaries of state.

Even when all the certificates are at hand the executive will not be in a position formally to announce that fact. In a matter of this importance it is necessary to move with extreme caution, and Secretary Knox, the custodian of the certificates, will refer them to the solicitor of the department of state for examination as to their sufficiency.

Already some questions have been raised as to the legality of the returns. In Kentucky the legislature initially adopted the amendment in advance of

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UNITED STATES LOSES CASE IN HIGHEST COURT

Opinion Handed Down in Shoe Machinery Trust Case Sustaining the Decision of the Court Below.

ONE COUNT REMAINS IN THE INDICTMENT

Officials of Department of Justice Declare Criminal Prosecution of the United Concern Will Follow.

WASHINGTON, Feb. 3.—The supreme court of the United States held in effect today for the first time that the Sherman anti-trust law does not forbid the mere combining of non-competitors in an industry. The decision was given in the "shoe machinery trust" case, in which Solicitor General Bullitt for the government had contended that if the combination brought into one hand an "undue proportion" of the trade it was forbidden by the anti-trust law.

"The disintegration aimed at by the statute does not extend to reducing all manufacture to isolated units of the lowest degree," declared Justice Holmes in announcing the unanimous decision of the court that the mere organization of the United Shoe Machinery company by the heads of several non-competing groups of shoe manufacturers had not been a violation of the law.

Question of "Intent"

The justice continued to say that it is as lawful for one corporation to make "every part of a steam engine and to put the machinery together as it would be for one to make the boilers and another to make the wheels." In explanation of this concise statement of law he referred to the court's recent Minnesota creamery decision, and the older Swift & Co. decision, in which it was held that an "intent" is necessary as an element of an attempt to monopolize. The bringing of non-competing branches of a trade into juxtaposition alone by means of a corporation, he said, in substance, did not furnish sufficient "intent" to raise the conduct to the dignity of an attempt to monopolize.

Criminal Prosecution

Despite today's decision, officials of the department of justice declared that the United Shoe Machinery company would be prosecuted for the alleged criminal violation of the Sherman law under the one remaining count of the indictments returned against the company, the validity of which was sustained by the lower court. That count, which was not before the supreme court, charged in effect that the company was monopolizing the industry by combination, by tying the various shoe machines together, by the destruction of competition, and by the acquisition of competitors' business. Officials vigorously maintained that the decision did not affect the government's case on this count.

Point Not Considered

The strongest feature of the government's effort to show an unlawful combination in restraint of trade, said Solicitor General Bullitt, was the "tying" clause of the agreements by which it is alleged that the company sought to compel shoe manufacturers to buy machines from it and none other. That question, he declared, was not considered by the court because the lower court had interpreted the indictments involved in today's decision as referring solely to the organization of the United Shoe Machinery company.

SAYS RULING DOES NOT AFFECT MERITS

BOSTON, Feb. 3.—United States District Attorney Ana P. French, who has charge of the government's case against the United Shoe Machinery company, said tonight that today's adverse decision of the United States supreme court, which sustained United States District Judge Putnam of Boston in throwing out two of the five counts in the two indictments against the company, did not affect the merits of the controversy. Mr. French said:

"While I have not seen the full text of the opinion of the supreme court in the Shoe Machinery case, it is perfectly clear that the decision does not in any

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BILL REVIVES "FRILLS" SPRY KILLED IN 1911

Initiative, Referendum and Recall Provisions Embodied in Measure to Be Introduced in Senate.

ADDED POWER IN HANDS OF VOTERS

People May, if Proposed Law Passes, Remove Officers Who Do Not Satisfy Majority.

THE initiative, the referendum and the recall are added to the present laws relative to the government of municipalities of the first and second class by a bill to be introduced today by Senator Benner X. Smith of Salt Lake. These provisions were a part of the bill providing for the commission form of government two years ago, but were eliminated as "frills."

Some of the persons who were behind the movement to give to Salt Lake a commission form of government have always contended that the initiative, the referendum and the recall were an essential part of the commission form of government, and that the plan would be more successful from the time these provisions were added.

Task for Committee

Senator Smith's bill has been prepared and stenographers are now making the requisite number of copies of the measure so that it may be introduced in the senate today. The bill will be referred to the committee on county and municipal corporations and will be considered in connection with other bills which have been introduced on the same subject. The consideration of these bills will constitute the most important part of the work of this committee this year.

The bill gives to the voters of cities of the first and second class the opportunity to initiate ordinances and provides that certain other ordinances must be referred to the people for their approval. It also provides that the holder of any elective office may be removed at any time by the voters. A recall election on any office may be held on petition of 25 per cent of the number of electors voting for the successful candidate for mayor at the election last preceding.

Initiative Terms

By the terms of the measure any proposed ordinance may be submitted to the board of commissioners by petition of from 10 to 25 per cent of the total number of votes cast for all candidates for mayor at the last preceding election. If the petition accompanying the proposed ordinance be signed by not less than 25 per cent of the voters and contains a request that the ordinance be submitted to a vote of the people if not passed by the commissioners the board of commissioners shall either pass the ordinance without alteration within twenty days, or call a special election, unless a general municipal election is to be held within ninety days, at which election the ordinance shall be submitted to the vote of the electors of the city.

If the petition is accompanied by the signatures of not less than 10 nor more than 25 per cent of the voters the board shall pass the ordinance within twenty days or submit it to the vote of the people at the next general municipal election.

Referendum Provisions

The referendum feature of the new bill provides that in cities of the first and second class no ordinance passed by the board of commissioners except when otherwise required by the general laws of the state or except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the board of commissioners, shall become effective before ten days from its final passage. If during the ten days intervening between the passage of the bill and the date for its becoming effective a petition signed by 25 per cent of all the votes cast for mayor at the last preceding election, protesting against the passage of such an ordinance the ordinance shall be suspended from becoming operative and the board of commissioners is required to reconsider it.

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Senator Benner X. Smith, who will today introduce his bill providing for changes in the commission form of government law.



ZAPATA ATTACKS A PASSENGER TRAIN

Twenty-five Soldiers and Citizens Killed; Survivors Tell of Atrocities.

MEXICO CITY, Feb. 3.—Followers of General Zapata attacked a passenger train traveling from Mexico City to Ozuama, forty-five miles south of the capital, today, killing or wounding all the twenty soldiers in the train's escort. Four male passengers were killed and many of the women passengers were carried off by the rebels.

The train was halted by the derailment of the engine in a cut. The rebels then began firing on the train from the sides of the cut, less than two yards away, concentrating their fire on the troop car. Twelve soldiers, including Lieutenant Ortiz, were killed. The lieutenant's wife was wounded.

A relief train took the wounded to Amecameca.

Some of the survivors were brought here tonight. They relate stories of terrible atrocities. Several of the wounded have died, and the list of dead now is estimated at twenty-five.

The government has ordered the troops in the vicinity of Ozuama to redouble their efforts against the rebels.

EL PASO, Tex., Feb. 3.—Reappearance of rebels at various points on the border was reported today to General E. Z. Steever at Fort Bliss. Colonel A. T. Hatfield of the Thirtieth cavalry, patrol on the New Mexico line, made the startling report that he was talking today with General Emiliano Zapata, the rebel leader of southern Mexico. Colonel Hatfield declared that a man representing himself as Zapata came to the international line with his aide and made some inquiries regarding a shipment of supplies consigned by the rebels but held by United States troops. Rebel bands also are appearing once more along the Texas border west of Juarez. The location of the main group under Salazar remains in doubt, but it is declared by rebel agents here that Salazar is moving into the Casas Grandes district.

COURT SHOWS DEEP FEELING

Federal Judge Carpenter Deeply Moved When Compelled to Sentence Counterfeiters.

CHICAGO, Feb. 3.—United States District Court Judge Carpenter was greatly moved today when he sentenced three Rice Brothers—James, Melvin and Fred—to the penitentiary for counterfeiting. James was given five years and the other two three years each. George, a fourth brother, was granted a new trial.

When James told the court that his wife, who is in a delicate condition, and her two children, are to be evicted from their home for non-payment of rent, Judge Carpenter burst out:

"Why do you tell me that? You make it all the harder for the court when the matter is painful enough as it is."

James Rice, Sr., father of the defendants, now is serving a ten-year sentence for counterfeiting at Atlanta and the plea of James, Jr., that he be sent to that institution was granted.

LAST SPECIAL ROLLS INTO LOS ANGELES

Special to The Tribune.
LOS ANGELES, Feb. 3.—The last of the four special trains filled with Utah people arrived this morning. Among those from Salt Lake who arrived were Mrs. A. H. McMillan, Miss Lucille Clark and Harold Orlieb.

"I came to Los Angeles for inspiration, for a comic opera I have in mind and already I am sure the inspiration is here," said Harold Orlieb, a native of Utah, but now a resident of New York, who boarded the train in Salt Lake City, where he had been visiting relatives. He is a composer of music and writer of operettas. "This is my first visit here. I know now that I made a mistake in not coming here before," he concluded.

BILL BARRING BETS ON RACES PASSES SENATE

Thornley's Measure Provides That Those Who Wager, and Also Stakeholder, Guilty of Felony.

HEATED DEBATE PRECEDES VOTING

House, After Hearing Pro and Con Arguments From Citizens of Farmington, Refers Bill.

Twenty-second Day in the Senate

Resolution ratifying the proposed income tax amendment is passed.

Thornley anti-pool selling bill is passed without amendment.

Bill in prepared which gives to cities of the first and second class the initiative, the referendum and the recall.

Measure will be introduced today to make hotels in the state more sanitary and comfortable.

Action on resolution ratifying proposed amendment providing for the direct election of the United States senators is postponed for two days.

BETTING on races at pool rooms and at race tracks will be forbidden at once if the house passes the Thornley anti-pool selling bill which was yesterday passed by the senate by a vote of 15 to 3. The bill provides that anyone who makes a wager or acts as stakeholder for a bet made on any contest of speed, skill or endurance is guilty of a felony.

The bill was passed by the senate after a sharp debate and after several attempts to amend it had failed. Senator J. R. Edgheill of Utah worked hard to secure the incorporation of an amendment which would permit wagers to be made within an inclosure at a race track or fair grounds at the time and place the race is being held. The amendment was voted down. Senator W. Mont Ferry of Salt Lake asked that the bill go to the judiciary committee, but this proposal was also voted down.

Plaudits for Champion

Fervent speeches for the passage of the bill were made by Senator L. M. Olson of Sanpete and Senator J. W. Thornley of Davis. A large number of women from Davis county and several women from Salt Lake occupied the gallery of the senate chamber and applauded vigorously when Senator Olson concluded his address.

The bill had been advanced on the calendar so as to come ahead of the Hansen banking bills which were not reached by the senate yesterday. Senator Edgheill, who voted against the bill, charged that the measure was being "railroaded" through the senate and said he was not afraid to tell his constituents why he voted against the bill.

Senator Benner X. Smith, who voted for the bill, called attention to the fact that the measure provided a penalty for violation of the bill that was absurd in its provisions. He said that it would be practically impossible to get a jury of hard-headed men to vote to send a man to the state prison for making a bet.

Ferry Wants Option

Senator W. Mont Ferry called attention to the fact that there was at present ample law on the statute books to permit any municipality to prohibit race-track and pool-room betting if it so desired. He called attention to the fact that Salt Lake City had eliminated racing and pool selling and declared that Farmington or any other city which wished to prohibit race-track betting could do so. He suggested that the same right in this regard be also extended to counties, in order that counties might decide for themselves whether or not they wished horse races and pool rooms.

After all amendments had been defeated roll was called on the final passage of the measure with the result:

Ayes—Booth, Cottrell, Edgheill, Ferry, Funk, Hansen, Iverson, Lunt, Olson, Ridgout, Smith, Thornley, Wright, Williams and President Gardner—15.

Noes—Craig, Edgheill, Kelly—3.

Farmington Protests

Several Farmington residents appeared before the house judiciary committee yesterday forenoon in connection with the Mabey anti-pool-selling bill or in connection with statements heretofore made before that committee.

Robert Wilson, president of the Farmington Commercial club; H. S. Daynes, mayor of Farmington; and E. A. Cottrell, a member of the Farmington city

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